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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/118,100	07/17/98	LEE H	678-139(PS41

WM01/0502

FRANK CHAU
DILWORTH AND BARRESE
333 EARLE OVINGTON BLVD
UNONDALE NY 11553

EXAMINER	
GARY, E	
ART UNIT	PAPER NUMBER
2681	14

DATE MAILED: 05/02/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)
09/118,100	Lee
Examiner	**Art Unit**
Erika A. Gary	2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on Apr 2, 2001

2a) ☐ This action is **FINAL.** 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1, 2, 5-8, 11, and 12 is/are pending in the applica

4a) Of the above, claim(s) _____ is/are withdrawn from considera

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1, 2, 5-8, 11, and 12 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirem

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

19) ☐ Notice of Informal Patent Application (PTO-152)

20) ☐ Other:

DETAILED ACTION

Request for Continued Examination

1. The request filed on April 2, 2001 for a Request for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 09/118,100 is acceptable and a RCE has been established. An action on the RCE follows.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mardhekar et al., US Patent Number 5,528,558 (hereinafter Mardhekar) in view of Smolinske, US Patent Number 5,655,218 (hereinafter Smolinske).

Regarding claim 1, Mardhekar discloses an apparatus for displaying local time information, comprising: means for storing Greenwich mean time (GMT) information for each of a plurality of cities; means for setting a reference time; means for counting a duration of time that elapses from when said reference time is set; means for selecting at least one of said plurality of cities and automatically calculating a local time of said selected city, said local time being based

on a difference between the GMT of said selected city and the GMT of a present location of said apparatus, said reference time and said elapsed time; and means for outputting said local time [abstract; col. 1: line 63 - col. 2: line 24; col. 11: lines 18-26].

What Mardhekar does not specifically disclose is the that the reference time is acquired from a signal received from a remote system. However, this limitation is taught by Smolinske as will be discussed below.

Smolinske discloses a mobile telephone displaying chronological information wherein the reference time is acquired from a signal received from a remote system [col. 2: lines 20-34].

Mardhekar and Smolinske are combinable because they are from the same field of endeavor, that is, telephones for displaying time information. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Mardhekar to include Smolinske. The motivation for this combination, suggested by Smolinske, would have been to obtain the reference time information from an outside source to reduce the number of necessary components in the apparatus in order to reduce cost, size, and weight [col. 1: lines 40-55] and further to avoid the need to use excess battery power to continually maintain the reference time information when the apparatus is deactivated [col. 4: lines 34-39].

Regarding claim 2, Smolinske discloses the apparatus is a mobile telephone [col. 2: lines 61-63].

Regarding claim 5, Smolinske discloses a mobile telephone displaying chronological information wherein the reference time is a system time acquired from a sync channel message

received by said mobile cellular phone from a base station of a CDMA cellular system [col. 2: lines 20-34, 49-53].

4. Claims 6, 7, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mardhekar in view of Smolinske.

Regarding claim 6, Mardhekar discloses in an apparatus having a display and a memory for storing Greenwich mean time (GMT) information for each of a plurality of cities, a method for generating local time information, comprising the steps of: setting a reference time; counting a time which elapses from said setting of said reference time; selecting at least one of said plurality of cities; automatically calculating a local time of said selected city based on a difference between the GMT of a present location of said apparatus, said reference time and said elapsed; and displaying said calculated local time [col. 1: line 63 - col. 2: line 24; col. 11: lines 18-26].

What Mardhekar does not specifically disclose is the that the reference time is acquired from a signal received from a remote system. However, this limitation is taught by Smolinske as will be discussed below.

Smolinske discloses a mobile telephone displaying chronological information wherein the reference time is acquired from a signal received from a remote system [col. 2: lines 20-34].

Mardhekar and Smolinske are combinable because they are from the same field of endeavor, that is, telephones for displaying time information. At the time of the invention, it

would have been obvious to one of ordinary skill in the art to modify Mardhekar to include Smolinske. The motivation for this combination, suggested by Smolinske, would have been to obtain the reference time information from an outside source to reduce the number of necessary components in the apparatus in order to reduce cost, size, and weight [col. 1: lines 40-55] and further to avoid the need to use excess battery power to continually maintain the reference time information when the apparatus is deactivated [col. 4: lines 34-39].

Regarding claim 7, Mardhekar discloses the step of displaying a message to set a reference time if said step of setting a reference time does not occur [fig. 9; col. 9: lines 11-17].

Regarding claim 11, Smolinske discloses the apparatus is a mobile telephone [col. 2: lines 61-63].

Regarding claim 12, Smolinske discloses a mobile telephone displaying chronological information wherein the reference time is a system time acquired from a sync channel message received by said mobile cellular phone from a base station of a CDMA cellular system [col. 2: lines 20-34, 49-53].

5. Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kataoka in view of Smolinske.

Regarding claim 6, Kataoka discloses in an apparatus having a display and a memory for storing Greenwich mean time (GMT) information for each of a plurality of cities, a method for generating local time information, comprising the steps of: setting a reference time; counting a

time which elapses from said setting of said reference time; selecting at least one of said plurality of cities; automatically calculating a local time of said selected city based on a difference between the GMT of a present location of said apparatus, said reference time and said elapsed; and displaying said calculated local time [figs. 7a, 7b; col. 2: lines 1-10; col. 7: lines 13-44].

What Kataoka does not specifically disclose is the that the reference time is acquired from a signal received from a remote system. However, this limitation is taught by Smolinske as will be discussed below.

Smolinske discloses a mobile telephone displaying chronological information wherein the reference time is acquired from a signal received from a remote system [col. 2: lines 20-34].

Kataoka and Smolinske are combinable because they are from the same field of endeavor, that is, electronic devices for displaying time information. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Kataoka to include Smolinske. The motivation for this combination, as suggested by Smolinske, would have been to obtain the reference time information from an outside source to avoid the need to use excess battery power to continually maintain the reference time information when the apparatus is deactivated [col. 4: lines 34-39].

Regarding claim 8, Kataoka discloses said step of selecting includes the substeps of: displaying a list of said plurality of cities; and scrolling through said list to select a desired one of said plurality of cities [fig. 1a: refs. 141, 142; col. 16: line 66 - col. 17: line 23].

Response to Arguments

6. Applicant's arguments filed April 2, 2001 have been fully considered but they are not persuasive.

Upon examination of current claims, the Examiner believes the means and step of "automatically calculating a local time..." is taught by Mardhekar [abstract] and Kataoka [col. 7: lines 13-44]. Based on past arguments, it seems Applicant's interpretation is such that the invention is displaying local time based on where the user has traveled to. Based on the claims and specification, the Examiner is interpreting the invention as a method and apparatus for displaying local time wherein a user can select different cities and the device will calculate the local time for that selected city.

Conclusion.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Whitmore, US Patent Number 6,108,277, discloses a timepiece assembly that displays the current time of day at a given geographical location.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika Gary whose telephone number is (703) 308-0123. The examiner can also be reached on alternate Fridays. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost, can be reached on (703) 305-4778.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
Washington, D.C. 20231
or faxed to:
(703)308-6306 or (703) 308-6296, for formal communication intended for entry (and for informal or draft communications, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive Arlington, VA., Sixth Floor (Receptionist).

Erika Gary

April 30, 2001

NAY MAUNG
PRIMARY EXAMINER